

-Remarks-

Amendments

Entry of the above amendments and reconsideration and withdrawal of the rejection of claims 12-21 and 53 is respectfully requested.

Applicants have amended claim 12 to clarify the invention of claim 12. Applicants have amended claims 17 and 18 such that those claims depend only from claim 12. Applicants have amended claim 53 such that said claim depends only from claim 12 and to clarify that claim 53 comprises two carriers. Applicants submit that no new matter is added by these amendments. Applicants have canceled claims 1-11 and 22-52 without waiver or prejudice. Applicants reserve the right to file one or more continuation applications directed to the canceled subject matter thereof and to any other unclaimed subject matter of this application.

Claim Objections.

Claims 7, 8, 10, 11, 18, 19, 28-32, 43-47, 51 and 53 are objected to in the Office Action under 37 C.F.R. §1.75(c) as being in improper form since a multiple dependent claim may not depend from any other multiple dependent claim. Claims 7, 8, 10, 11, 28-32, 43-47 and 51 have been canceled without waiver or prejudice hereinabove, thus rendering this objection relative to those claims moot. Applicants have amended claims 17 and 18 such that those claims are not multiply dependent. Applicants have amended claim 53 such that said claim depends only from claim 12. Claim 19 depends from any one of claims 12 to 18, none of which claims are, after amendment, multiply dependent. Accordingly, Applicants submit that this objection is obviated by the above amendments. Applicants respectfully request that the Examiner reconsider and withdraw the objection to claims 18, 19 and 53, as amended.

The 35 U.S.C. §112, second paragraph rejections.

Claims 6 and 12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Regarding claim 6, it is alleged that the use of the term "preferably" renders that claim indefinite. Regarding claim 12, it is alleged that the limitation "wherein the supports are" in line 6 of claim 12 is indefinite since there is insufficient antecedent basis for "supports." It is particularly alleged that it is unclear whether Applicants are attempting to claim one support or multiple supports since only "a support" has been claimed thus far.

Applicants have canceled claim 6 hereinabove, rendering rejection of that claim moot.

Applicants have amended claim 12 hereinabove such that claim 12 refers to a "first support" and a "second support," thus obviating this rejection. Applicants submit that no new matter is added by this amendment. Support for two supports may be found in the specification at Figure 4(b) in which the device is shown with two carriers (12) and a support (30) for each carrier. This is further described at page 23, lines 24 and 25 and more specifically at page 28, lines 10-13, wherein it is disclosed that "[w]ithin the housing 2 of the inhalation device, in a preferred embodiment, two of the carriers 12 are arranged coaxially side by side as illustrated in Figure 4(a). Each carrier 12 is provided with a support 30 as illustrated in Figure 4(b)."

Applicants submit that this amendment to claim 12 setting forth a first support for a first carrier and a second support for a second carrier obviates this rejection. Applicants respectfully request that the Examiner reconsider and withdraw the 25 U.S.C. §112, second paragraph, rejection of claim 12, as amended.

The 35 U.S.C. §102(b) rejection over Braithwaite.

Claims 12-17, 20 and 21 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by WO 01/17595 (herein referred to as "Braithwaite").

Applicants have amended claim 12 such that the dispensing mechanism is required to comprise an arrangement for axially moving individually each pocket from a respective storage position to a respective discharge position. Support for this amendment may be found in the specification at page 2, line 31 through page 3, line 1. Support for axial movement is found within claim 12 which discloses rotation about a "common axis." Axial rotation is depicted in Figures 3, 6, 7, 9 and 11 when viewed together with the corresponding text in the specification. As amended, claim 12 distinguishes from Braithwaite since claim 12 requires that the pockets containing the powder doses be axially displaced whereas in Braithwaite, the metering members are actuated in a radial direction. See, for example, claims 1 and 20 of Braithwaite. Applicants submit that claims 12-17, 20 and 21 are accordingly not anticipated by Braithwaite.

Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(b) rejection of claims 12-17, 20 and 21, as amended, over Braithwaite.

The 35 U.S.C. §102(b) rejections over Newell, Cox and Pike.

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by US Patent No. 4,811,731 (referred to herein as "Newell"). Claims 1-4 have been canceled hereinabove, rendering this rejection moot.

Claim 9 is rejected under 35 U.S.C. §102(b) as being allegedly anticipated by US Patent No. 5,657,749 (herein referred to as "Cox"). Claim 9 has been canceled hereinabove, rendering this rejection moot.

Claim 33 is rejected under 35 U.S.C. §102(b) as being allegedly anticipated by WO02/024263 (herein referred to as "Pike"). Claim 33 has been canceled hereinabove, rendering this rejection moot.

The 35 U.S.C. §103(a) rejections.

None of the claims pending after amendment have been rejected under 103(a). Accordingly, Applicants submit that the 103(a) rejections are moot.

-Conclusion-

Applicants, having responded to all points and concerns raised by the Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

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